

PTO/SB/25 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBVIA TE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

SKEL-012CIP

In re Application of: **YETKINLER, DURAN**Application No.: **10/797,907**Filed: **March 9, 2004**For: **USE OF VIBRATION WITH ORTHOPEDIC CEMENTS****RECEIVED  
CENTRAL FAX CENTER****JUN 24 2005**

The owner, Skeletal Kinetics, LLC, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Numbers 10/661,356 filed on 09/11/2003, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

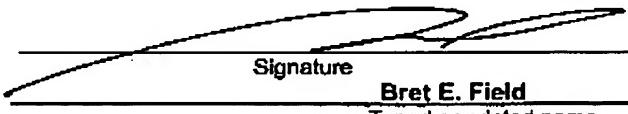
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Check either box 1 or 2 below, if appropriate.

1.  For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2.  The undersigned is an attorney or agent of record. Reg. No. 37,620

  
 Signature \_\_\_\_\_ Date June 24, 2005  
Bret E. Field  
 Typed or printed name \_\_\_\_\_  
(650) 833-7770  
 Telephone Number \_\_\_\_\_

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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Signature

June 24, 2005

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65.00 OP

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PTO-2038 (02-2003)

Approved for use through 02/28/2006. OMB 0651-0043

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Payment Amount: \$ (US Dollars): \$ 65.00

Cardholder Signature: *Karl Bozicevic*

Date: 06-24-05

**Refund Policy:** The Office may refund a fee paid by mistake or in excess of that required. A change of purpose after the payment of a fee will not entitle a party to a refund of such fee. The office will not refund amounts of \$25.00 or less unless a refund is specifically requested, and will not notify the payor of such amounts (37 CFR § 1.26). Refund of a fee paid by credit card will be issued as a credit to the credit card account to which the fee was charged.

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## Request and Payment Information:

## Description of Request and Payment Information: Terminal Disclaimer Fee (small entity)

<input checked="" type="checkbox"/> Patent Fee	<input type="checkbox"/> Patent Maintenance Fee	<input type="checkbox"/> Trademark Fee	<input type="checkbox"/> Other Fee
<u>Application No.</u> 10/797,907	Application No.	Application No.	IDON Customer No.
<u>Patent No.</u>	Patent No.	Registration No.	
<u>Attorney Docket No.</u> SKEL-012CIP		Identify or Describe Mark	

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